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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 7th February, 1969/*Magha* 18, 1890 (*Saka*)

The following President's Act is published for general information:—

THE CALCUTTA METROPOLITAN WATER AND SANITATION AUTHORITY (AMENDMENT) ACT, 1969

No. 6 OF 1969

Enacted by the President in the Twentieth Year of the Republic of India.

An Act to amend the Calcutta Metropolitan Water and Sanitation Authority Act, 1966.

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:— 6 of 1968.

1. This Act may be called the Calcutta Metropolitan Water and Sanitation Authority (Amendment) Act, 1969. Short title.

Amendment of section 27.

2. Section 27 of the Calcutta Metropolitan Water and Sanitation Authority Act, 1966 (hereinafter referred to as the principal Act), shall be re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-sections shall be inserted, namely:— West Bengal Act XIII of 1966.

"(*2*) Notwithstanding anything contained in sub-section (*1*), if the State Government is of opinion that it is necessary so to do for the purpose of enabling the Authority to make its arrangements for the imposition and collection of the charges and taxes referred to in section 33, the State Government may, by order, direct the municipal corporations and municipalities concerned to postpone the reduction of their rates under sub-section (*1*) for such period as may be specified in the order:

Provided that the State Government may, by order, extend the said period by such further period or periods as it may think fit, so, however, that the total period so extended shall not exceed six months.

(*3*) Where an order has been made by the State Government under sub-section (*2*),—

(*a*) the municipal corporations and municipalities concerned shall continue to realise their rates without any reduction for the period specified in such order and for the period, if any, extended under the proviso to that sub-section, and pay to the Authority such sums, in such instalments and by such dates as the State Government may, by order, fix in this behalf; and

(*b*) it shall not be competent for the Authority to collect any of the charges and taxes referred to in section 33 in respect of the period specified in such order and of the period, if any, extended under the proviso to that sub-section.

(*4*) In fixing the sums under clause (*a*) of sub-section (*3*), the State Government shall have due regard to the expenses incurred by the Authority during the period specified in the order made under sub-section (*2*) and the period, if any, extended under the proviso to that sub-section, in respect of the service or services for which responsibilities have been taken up by the Authority; and the total sum to be paid by any municipal corporation or municipality under that clause shall not exceed the amount which such municipal corporation or municipality, as the case may be, would have spent on such service or services during such period and such extended period, if any, on the basis of the amount provided for such service or services in its budget

for the financial year commencing on the 1st day of April, 1968.'.

3. In section 88 of the principal Act, to sub-section (*1*), the following proviso shall be added, namely:— Amendment of section 88.

"Provided that where the State Government has made an order under sub-section (*2*) of section 27 directing the municipal corporations and municipalities concerned to postpone the reduction of their rates, the provisions of the aforesaid Acts relating to the imposition, assessment and collection of rates in respect of such service shall continue in force until the expiry of the period specified in such order and of the period, if any, extended under the proviso to that sub-section.".

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

The Calcutta Metropolitan Water and Sanitation Authority Act, 1966 (West Bengal Act XIII of 1966) provides for the establishment of an Authority for the maintenance, development and regulation of water supply, sewerage and drainage services and for the collection and disposal of garbage in the Calcutta Metropolitan District with a view to the promotion of public health and for matters connected therewith. The Calcutta Metropolitan Water and Sanitation Authority was set up under the said Act with effect from 20th June, 1967.

2. According to section 33 of the said Act, the Calcutta Metropolitan Water and Sanitation Authority can impose (*i*) water charges, (*ii*) surcharges on water charges for sewerage, and (*iii*) taxes. According to section 17 of the Act any water charges, surcharges and taxes as may be fixed by the Calcutta Metropolitan Water and Sanitation Authority's Board of Directors have to be approved by the Calcutta Metropolitan Water and Sanitation Authority's General Council, and if the General Council does not approve, the Government's decision will be final. It is further laid down under section 27 of the said Act that on the date on which the Calcutta Metropolitan Water and Sanitation Authority takes up the responsibilities

for one or more of such services of any municipal body, the municipal body shall correspondingly reduce its rates by such percentage as the State Government may determine in consultation with the municipal body.

3. Before the Authority can takeover the relevant services from the Corporation, the rates to be imposed by it have to be finalised and collected in advance to meet its expenses and it has also to have its collecting and other staff in position. The General Council of the Authority on which the Mayor and some Councillors of the Calcutta Corporation and other Municipalities are also represented, has taken the view that the new rates to be imposed by the Authority should not exceed the reduction to be proportionately allowed on the present consolidated rates charged by the Calcutta Corporation.

4. The Government of West Bengal have carefully considered the matter and are of the view that it will not be advisable to postpone the takingover of the services by the Calcutta Metropolitan Water and Sanitation Authority until its own collection machinery is in position and until its own rates are fixed and collected, as that would delay the takingover of the services. The State Government are of the view that the only way to resolve the difficulty will be to make additional provisions in section 27 of the Act and to make consequential provisions in section 88 by which the Calcutta Corporation will be enabled to continue to collect the full consolidated rates as hitherto and to make over a sum equal to its present expenditure on the relevant services to the Authority with effect from the date the latter takesover these services and until it is able to collect its own rates.

5. The proposed measure seeks to suitably amend the Calcutta Metropolitan Water and Sanitation Authortiy Act, 1966, for the above purpose.

6. As it is not practicable to refer the present legislation to the Consultative Committee of Parliament on West Bengal Legislation, it has been decided, in view of the urgency of the matter, to enact the present legislation without such reference.

M. G. PIMPUTKAR,

Addl. Secy. to the Govt. of India,
Ministry of Health, Family
Planning and Urban Development

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